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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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8 GREG BRAUN,

9 Plaintiff,

10 vs.

11 AGRI-SYSTEMS,

12 Defendant.  
13 \_\_\_\_\_/

CASE NO. CV-F-02-6482 AWI LJO

**ORDER ON *EX PARTE* APPLICATION  
FOR AN ORDER SHORTENING TIME  
TO MOVE TO WITHDRAW ADMISSIONS  
(Doc. 369)**

14 The Court has received and reviewed plaintiff Greg Braun's *Ex Parte* Application for An Order  
15 Shortening Time to Move to Withdraw Admissions. (Doc.

16 The *ex parte* application is DENIED. The *ex parte* is based on the lack of time to bring a  
17 regularly noticed motion before the June 6, 2006 trial date. Under this Court's March 1, 2005  
18 Scheduling Order, all discovery motions were to be filed and decided by January 9, 2006: "All nonexpert  
19 discovery and related discovery motions (including motions to compel) shall be completed or heard no  
20 later than **January 9, 2006.**" (Doc. 94 p. 11, ¶7) (Emphasis in Original.) This Court has consistently  
21 and stringently imposed the deadlines set in the Court's Scheduling Order in previous motions between  
22 these parties. Braun has not shown good cause for continuing the Scheduling Order deadline. Good  
23 cause cannot be shown because there is a lack of diligence in discovering the admissions in the almost  
24 two years since the lifting of the stay in Agri-Systems' bankruptcy.

25 IT IS SO ORDERED.

26 **Dated: May 23, 2006**  
27 b9ed48

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE